

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

RONALD SANDERS,

Plaintiff,

v.

**CIVIL ACTION NO. 3:10-CV-113
(BAILEY)**

TERRY O'BRIEN, et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendations of United States Magistrate Judge John S. Kaull. By Local Rule, this action was referred to Magistrate Judge Kaull for submission of a proposed report and a recommendation ("R&R"). Magistrate Judge Kaull filed R&Rs on November 29, 2010 [Doc. 22] and December 7, 2010 [Doc. 34], respectively. In the first filing, the magistrate judge recommended that this Court deny the plaintiff's Motion for Injunction Order [Doc. 17], finding that the plaintiff had failed to show either a likelihood of success on the merits or a likelihood of irreparable harm. In the second filing, the magistrate judge recommended that this Court deny the plaintiff's Motion for Entry of Default Judgment [Doc. 31], finding, *inter alia*, that the defendants had filed a timely response to the Complaint [Doc.1].

Pursuant to 28 U.S.C. § 636 (b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made.


However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. **Thomas v. Arn**, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); **Snyder v. Ridenour**, 889 F.2d 1363, 1366 (4th Cir. 1989); **United States v. Schronce**, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Kaul's R&Rs were due within fourteen (14) days of receipt, pursuant to 28 U.S.C. § 636(b)(1). The docket reflects that service was accepted on December 1, 2010 [Doc. 30] and December 9, 2010, respectively. To date, no objections have been filed to either R&R. Accordingly, this Court will review the report and recommendations for clear error.

Upon careful review of the report and recommendation, it is the opinion of this Court that the magistrate judge's Report and Recommendations [**Docs. 22 & 34**] should be, and are, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's reports. As such, this Court hereby **DENIES** the plaintiff's Motion for Injunction Order [**Doc. 17**] and Motion for Entry of Default Judgment [**Doc. 31**].

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record and to mail a copy to the *pro se* plaintiff.

DATED: March 9, 2011.


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE